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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,

2:17-mj-00901-NJK

6 Plaintiff,

ORDER

7 vs.

8 TRAYVALE HARRISON,
9 RANDEL BURGE,
10 PHILLIP SHIEL, and
11 IANTHE ROWLAND,

Defendants.

12 Based on the joint motion submitted by all parties, and good cause appearing
13 therefore, the Court finds that:

14 1. Ms. Waldo recently took over representation of Defendant
15 Harrison and needs additional time to meet with her client.

16 2. Mr. Jackson, who represents Defendant Burge, was in trial in State Court
17 for ten days over the last two weeks, and was preparing for trial before that time,
18 limiting his ability to meet with his client.

19 3. Mr. Oram, who represents Defendant Shiel, has had court conflicts
20 limiting in his ability to see his client at the Southern Nevada Detention Center. They
21 are scheduled to meet in the upcoming in the next 10 days.

22 4. Further, counsel for the Government is scheduled to be out of the District
23 on the currently scheduled preliminary hearing date.
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5. Additional time is needed for the parties to discuss any potential, pre-indictment resolution to the matter.

6. The parties agree to the continuance.

7. Defendants Harrison, Burge, and Shiel, are currently detained pending trial but do not object to a continuance. Defendant Rowland is not in custody and does not object to a continuance.

8. Denial of this request for continuance could result in a miscarriage of justice.

9. The additional time requested herein is not sought for purposes of delay, but to allow for counsel to discuss the discovery associated this case and to possible resolve the case prior to indictment.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendants and their counsel an opportunity to review the discovery in this case, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d). All defendants consent.

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for April 3, 2018, at the hour of 4:00 pm, be vacated and continued to May 8, 2018, at 4:00 p.m., in Courtroom 3C.

DATED April 3, 2018

THE HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE